

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

March 3, 2003

PRESENT: Tom Cowan, Chair
Mark Decker, Co-Chair
Terry Janicz
Andy Kelkenberg
Rick Meahl
Don Hoeffler
John Potera
Rebecca Baker, Zoning Officer
Christine Falkowski, Planning Board Clerk

The meeting was called to order by Tom Cowan at 7:30 PM.

Andy motioned to accept the minutes as corrected from the February 17th meeting, seconded by Terry and all approved.

Copies of the Combined Comprehensive Master Plan were distributed. Don questioned whether the Planning Board approved it and whether we should have held a public hearing. Planning Board member I.D. cards were also distributed.

4389 South Newstead Road – Griffin – Area Variance Request

On February 18th the Zoning Board reviewed the Griffin's request to build their home 50' from the right of way vs. 65'. The Zoning Board asked the Planning Board to review prior to making their decision. They considered line of sight, the neighbors, and that shifting the house to face Dorsch instead of South Newstead would result in a very large side yard and a small backyard with deck facing S. Newstead. Mark made a motion to recommend approval to the Zoning Board, seconded by Don, and all approved.

Andy Kelkenberg excused himself from his role as Planning Board member for the next item.

Pre-Application – Addition & Re-siding Green Building 11145 Main Road – Kelly Schultz

Andy Kelkenberg represented Mr. Schultz. To this 56 x 200 building, on the Main Road side, will be added 16 mini-storage units, a 10' porch and concession area. The building size will double. We will need a site plan (which was given to Andy) and a drainage plan. Don would like to see a revised plan of Mr. Schultz's property for the Master Plan. The fees will total \$300. This will be an agenda item for March 31st.

County Line Stone – Mining Permit

Bruce Buyers stated that he applied to the DEC for more land to quarry 7 – 8 years ago (they mine 4 – 5 acres per year). Will receive final approval in March, and have already received Conservation Advisory Council approval. The Town will close Schurr Road, and it will be approximately 12 months before they cut across the road. Utility lines have to be moved, along with brine lines. Sun Petroleum's line must be moved, possibly to the thruway. The mining permit is for 169 acres over 75 years, which includes wetlands near the thruway. Therefore, County Line will be building wetlands large enough to replace it (three for one). They also had to declare 180 acres wild forever. No permit is needed to relocate the 6' area of overburden when the DEC permit is in hand. Plans to mine 30' below an area of previously mined land for limestone will require the additional \$1,000 annual mining fee. County Line must guarantee water to homeowner's within a 5,000' scope in the event that a well runs dry. They currently own about 2,500 acres and 16 houses. The mining permit conditions set in 1985 and the minutes from August 19, 2002 were distributed, but they are not the only conditions. Mr. Buyers will provide a complete set of conditions, which can also be found in the Final Environmental Impact Statement. These conditions will be forwarded to the Planning Board as soon as possible. Mr. Buyers paid the \$4,730 site plan fee to Becky in addition to the \$1,200 permit fee paid on 2/28/03.

Carl Klingenschmitt of the Conservation Advisory Council stated that he reviewed all 11 volumes of the Environmental Impact Study. The CAC is concerned about groundwater. They recommend that a major review be done every five years; that is, when the Town renews the mining permit annually, the fifth renewal would be a review. Carl recommends that the Planning Board read the Final Environmental Impact Statement dated 2/3/03. The Planning Board will review previous conditions and be ready to make recommendations at the March 17th meeting.

13722 Main Road – Special Use Permit – Rich Belotta

Buffalo Auto Sales Co., Inc. (formerly Victor Auto Sales) is selling cars from a trailer, utilizing about one-fifth of this parcel. Because of two entities on the same site, the Board will prepare a memorandum (and resolution) recommending to the Town Board that an annually renewable special use permit be required with conditions. David Glian, the owner, is leasing the building to Laura Paulus of Hiznherz Collision & Detail, Inc.

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12690 Main Road – Special Use Permit

Michael Shields picked up site plan packet on 1/27, has not submitted it yet, and he is still selling cars. He did stop in for a building permit on 2/21 as the Building Inspector observed that he was siding the building. He was reminded about the site plan and expressed surprise/concern. The Board agreed that if we do not have his site plan by 3/13, he must stop selling cars.

The Zoning Report was reviewed.

Sign Ordinance

- ❑ We need a copy of Orchard Park's ordinance, which Don will get.
- ❑ Rick suggested reviewing the Village of Akron's ordinance, which we will get from Dan Borchert.
- ❑ We would like to submit to Town Board by May 1st.

Special Event Permits

- ❑ The Village does not require permits. The Board reviews the special event and requires proof of event insurance.
- ❑ Clarence does require special event permits, and will be forwarding their regulations to us.

Change in Use Permits

- ❑ A different use may result in different occupancy capacities, fire exits, etc. (For example, a gas station turned into a beauty parlor). It could be a safety issue that should be considered, and a method to track this would be to require a permit.

Unfinished Business

- ❑ Kelly Schultz pavilion on Main Road – Andy reported that the truck body would be removed as soon as the owner returns from Florida.

New Business

- ❑ The Town has received a request to put up another cell tower with at least two co-locators on the 19 acres recently purchased behind St. Theresa's. This is an agenda item for March 17th.
- ❑ GML-805a relates to prohibiting engineers from being Planning Board members due to the potential conflict of interest. It could be a problem if one has to constantly abstain from voting when representing local clients. On behalf of the Planning Board, Tom will prepare a letter to legislators paraphrasing the Clarence letter.

Andy motioned to adjourn the meeting at 9:20 PM, seconded by Terry and all approved.

Respectfully submitted by,

Christine Falkowski
Recording Secretary